

ASSEMBLY BILL

No. 446

Introduced by Assembly Member Soto

February 16, 2007

An act to amend Section 798.73.5 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 446, as introduced, Soto. Mobilehomes.

Existing law provides that in the case of a sale or transfer of a mobilehome that will remain in the park, the management may only require repairs or improvements to the mobilehome, its appurtenances, or an accessory structure if (1) the repair or improvement is to the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management, (2) the repair or improvement is based upon or is required by a local ordinance or state statute relating to mobilehomes or implements or enforces a rule or regulation of the park, as specified, and (3) the repair or improvement relates to the exterior of the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management. Existing law also requires the management of a mobilehome park, in the case of sale or transfer of a mobilehome that will remain in the park, to provide a homeowner with a written summary of repairs or improvements that management requires to the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management no later than 10 business days following the receipt of a request for this information, as specified.

This bill would provide that a notice from the management to the homeowner who is selling the mobilehome which states that the

mobilehome must be removed from the park upon resale is void and unenforceable if the management has not complied with the provisions described above.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.73.5 of the Civil Code is amended
2 to read:

3 798.73.5. (a) In the case of a sale or transfer of a mobilehome
4 that will remain in the park, the management may only require
5 repairs or improvements to the mobilehome, its appurtenances, or
6 an accessory structure that meet all of the following conditions:

7 (1) Except as provided by Section 798.83, the repair or
8 improvement is to the mobilehome, its appurtenances, or an
9 accessory structure that is not owned and installed by the
10 management.

11 (2) The repair or improvement is based upon or is required by
12 a local ordinance or state statute or regulation relating to
13 mobilehomes, or a rule or regulation of the mobilehome park that
14 implements or enforces a local ordinance or a state statute or
15 regulation relating to mobilehomes.

16 (3) The repair or improvement relates to the exterior of the
17 mobilehome, its appurtenances, or an accessory structure that is
18 not owned and installed by the management.

19 (b) The management, in the case of sale or transfer of a
20 mobilehome that will remain in the park, shall provide a
21 homeowner with a written summary of repairs or improvements
22 that management requires to the mobilehome, its appurtenances,
23 or an accessory structure that is not owned and installed by the
24 management no later than 10 business days following the receipt
25 of a request for this information, as part of the notice required by
26 Section 798.59. This summary shall include specific references to
27 park rules and regulations, local ordinances, and state statutes and
28 regulations relating to mobilehomes upon which the request for
29 repair or improvement is based.

30 (c) The provisions of this section enacted at the 1999–2000
31 Regular Session of the Legislature are declarative of existing law
32 as they pertain to allowing park management to enforce park rules

1 and regulations; these provisions specifically limit repairs and
2 improvements that can be required of a homeowner by park
3 management at the time of sale or transfer to the same repairs and
4 improvements that can be required during any other time of a
5 residency.

6 *(d) A notice from the management to the homeowner who is*
7 *selling the mobilehome that states that the mobilehome must be*
8 *removed from the park upon resale is void and unenforceable if*
9 *the management has not complied with this section.*

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